
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

FIRST NOTICE OF COMMENT PERIOD

LSA Document #14-19

ELECTRONIC WASTE RULE**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [329 IAC 16](#) concerning electronic waste. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: [329 IAC 16](#).

AUTHORITY: [IC 13-14-8-7](#); [IC 13-15](#); [IC 13-19-3](#); [IC 13-20.5](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

Electronic waste, or e-waste, includes discarded computers, mobile phones, television sets, refrigerators, and other electronic components. These discarded electronics can be recycled or used for scrap metal or parts. Some electronic waste contains lead or other toxic substances that must be discarded appropriately. Indiana currently has 21 recycling or disposal facilities that participate in the e-waste program.

The purpose of this rulemaking is to amend [329 IAC 16](#) concerning e-waste. These amendments will eliminate the standby trust requirement for surety bonds and allow other financial assurance mechanisms in addition to surety bonds, to streamline and reduce the cost of maintaining financial assurance. The amendments will also simplify mapping and labeling requirements to allow regulatory flexibility for e-waste recycling and disposal facilities. IDEM seeks comment, including suggestions of specific language, on the affected citations listed, any other provisions of Title 329 that may be affected by this rulemaking, and alternative ways to achieve the purpose of this rulemaking.

Alternatives to Be Considered Within the Rulemaking

Alternative 1. Amend [329 IAC 16](#) to eliminate the standby trust requirement, simplify the map requirement, allow other financial assurance mechanisms in addition to surety bonds, eliminate the six inch requirement of e-waste labeling, and any other necessary changes to maintain consistency.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a "state-only" requirement, and is regulated under [IC 13-20.5](#).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend [329 IAC 16](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a "state-only" requirement, and is regulated under [IC 13-20.5](#).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

There is no applicable federal law.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. Most of the suggested changes will have no fiscal impact; however, there may be a cost savings for registered e-waste facilities by eliminating the standby trust requirement of [329 IAC 16](#). These cost savings may be up to thousands of dollars per year, per facility.

Potential Fiscal Impact of Alternative 2. This alternative will not incur any additional costs.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small

Business Regulatory Coordinator:

Jessica Faust-Hamblin
IDEM Small Business Regulatory Coordinator
MC 60-04 IGCS W041
402 West Washington Street
Indianapolis, IN 46204-2251
(317) 232-8172 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Jacob Schpok
Indiana Small Business Development Center
One North Capitol, Suite 600
Indianapolis, IN 46204
(317) 232-8805
ombudsman@osbe.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Steven N. Howell
IDEM Small Business Assistance Program Ombudsman
MC 50-01 IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8587 or (800) 451-6027
snhowell@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Dan Watts, Rules Development Branch, Office of Legal Counsel at (317) 234-5345 or (800) 451-6027 (in Indiana).

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #14-19 Electronic Waste Rule
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Mail Code 65-46
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903.

- (3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than February 21, 2014. Hand-delivered

comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

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An [html](#) version of this document.